



IMPROVED ENFORCEMENT OF DOCUMENTATION REQUIREMENTS

**Centers for Medicare & Medicaid
Services
July 2006**



Pre-Section 6036 Law

- Previously, Medicaid applicants and recipients of Medicaid who have declared under Section 1137(d) of the Social Security Act that they are citizens of the U.S. were not required to document their declaration



Section 6036

- Section 6036 of the Deficit Reduction Act of 2005 (Pub. L. No 109-171) adds a new subsection (x) to Section 1903 of the Social Security Act
- New law - effective July 1, 2006
- Requires individuals declaring that they are a U.S. citizen to provide satisfactory documentary evidence of citizenship or nationality when initially applying for Medicaid or upon a recipient's first Medicaid redetermination on or after July 1, 2006.



Section 6036

- This law does not apply to aliens who, under section 1137 of the Act, have declared to be Qualified Aliens in a satisfactory immigration status.
- Since 1988 such applicants have had their immigration status documented and verified with Homeland Security through the SAVE system



Section 6036

- Law specifies many of the documents that may be used to prove citizenship.
- Also provides that the Secretary can establish additional documents through regulations.



Section 6036

- CMS developed a hierarchical approach to documentation
- If an individual cannot produce documentation from the primary list of evidence, individuals can produce a document from the second, third or fourth list of documentary evidence to prove citizenship and a document from the fifth list to show identity



Section 6036

- **Additional documents are NOT required for:**

- Individuals also enrolled in Medicare
- Individuals also receiving Supplemental Security Income (SSI)
- Individuals presumptively eligible (Secs. 1920, 1920A, and 1920B until individuals make declaration of citizenship)
- Deemed Newborns—Documentation will occur at first redetermination for children of citizens and qualified aliens.



Section 6036

- **The best way to prove citizenship and identity is primary documentation or:**
 - U.S. passport;
 - Certificate of Naturalization (DHS Forms N-550 or N-570);
 - Certificate of U.S. Citizenship (DHS Forms N-560 or N-561)



Section 6036

- **To prove citizenship:**

- A birth certificate;
- A Report or Certification of Birth Abroad of a U.S. citizen (form FS-240 or FS-545)
- A U.S. Citizenship I.D. Card (DHS I-197)
- Adoption Papers
- Military Record showing birth in the U.S.
- Affidavit – in rare circumstances only



Section 6036

- States without agreements with SSA may substitute a check of the SSI file the State receives to meet the requirements of section 6036.
- States may also use a data match with vital statistics to establish citizenship of an applicant or recipient.



Section 6036

○ **To prove identity:**

- Current State driver's license or State identity card,
- School identification card
- Federal, State or local government identification card
- U.S. military identification card
- At the State's option, cross matches with Federal or State governmental, public assistance, law enforcement or corrections agency's data system if the agency establishes and certifies true identity of individuals



Section 6036

- **Special Identity Rules for Children under 16:**
 - School records including nursery or daycare record
 - Affidavit signed under penalty of perjury by parent or guardian stating date and place of birth
 - Affidavit cannot be used if affidavit for citizenship was provided



Section 6036

- **Special Populations Needing Assistance – homeless, amnesia victims, long term care individuals, etc.**
 - States **MUST** assist individuals to secure satisfactory documentary evidence of citizenship if individuals are unable to comply with the requirement



Section 6036

○ **Also applies to:**

- Title IV-E Children in foster care or receiving adoption assistance – not required to declare citizenship for IV-E but now must have in their Medicaid file a declaration of citizenship and documentary evidence of the citizenship
- All Section 1115 demonstrations including Family Planning programs and individuals covered by virtue of Section 1115(a)(2) authority – a.k.a. cost not otherwise matchable - expansion populations
- SCHIP populations enrolled in Medicaid



Section 6036

- A reasonable opportunity to prove both citizenship and identity is provided as long as individuals are showing a good faith effort to produce the documents
- Documents must be originals or certified copies from the issuing agency
- Documents cannot be photocopies or notarized copies



Section 6036

- **1903 Provision Regarding FFP:**
 - States will receive the administrative match rate of 50% for costs they incur to implement this section.
 - No FFP for months State does not require presentation of documentation of citizenship by applicants or recipients



Section 6036

○ **Outreach Plan**

- Law specified that an outreach plan must be developed to inform individuals about the requirement
- CMS has launched an outreach program to educate states and interested groups about the new requirement
- Outreach efforts include presentations to interested groups and materials that States may use to help applicants and recipients understand the requirement



Section 6036

○ **Outreach Plan - continued**

- Talking points, questions and answers, a sample press release, drop-in article and lists of acceptable documents posted to the CMS website
- Working with States to help them reach out to their current Medicaid enrollees and the general public outlining the new rules
- Training sessions with state officials including regular telephone consultations providing technical assistance
- Speakers at national conferences such as tribal organizations and advocacy groups for minority communities.



Section 6036

- CMS issued an Interim Final Rule with Comment on July 12
- Regulation specifically solicits comments in four areas:
 - Are additional documentation necessary– if so, what types?
 - What additional data matches would be useful?
 - Have too many documents been allowed in light of the exemption for Medicare and SSI?
 - How should state's share information with the Federal government if there is fraud and abuse?



Section 6036

For more information about the citizenship documentation requirement, go to:

http://www.cms.hhs.gov/MedicaidEligibility/05_ProofofCitizenship.asp#